IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO. 127 OF 2001

IN

COMPANY PETITION NO. 925 OF 1997

Mamta Sailesh Saini
& Anr. .. Petitioners.

vs.

The Official Liquidator
of M/s. Avon Moulding Pvt.
Ltd.,(In Liqn.) .. Respondent.

Mr. C.N. Mehta for applicant in support.
Ms. K.V. Gautam, Dy. Official Liquidator,
present.

CORAM : S.U.KAMDAR, J.
DATE : 10th MARCH, 2005.

P.C.

. The present applicant seeks possession of the premises being Unit No. 7, Kamat Industrial Estate, 396, Veer Savarkar Marg, Prabhadevi, Mumbai 400 025. He claims that he is the tenant in respect of the said premises. Admittedly he has become a tenant of the premises subsequent to the liquidator taking possession of the said property. In view

thereof,l the learned counsel for the applicant agrees to the following order.

1. That the applicant shall file a suit in a court of competent jurisdiction for declaring of his tenancy and consequential relief, if any, in law. Such a suit will be filed within a period of four weeks from today. In the meantime, the applicant will be appointed as agent of the Court Receiver without security but on payment of compensation at the rate of Rs. 750/- per month. He agrees that even if he succeeds in the suit, he will not demand the refund of compensation paid to the liquidator in light of the present order. If no such suit is filed within the aforesaid period, the liquidator to remove the applicant from possession of the premises forthwith and take back the possession. If such a suit is filed, then the applicant should obtain appropriate orders in such suit and the liquidator will abide by the orders passed in the said proceedings. Company Application disposed of accordingly. No order as to costs.